



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR - 2 1998

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Clara G. Poffenberger  
BAKER & BOTTS, L.L.P.  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2400

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Re: File No. AED/MSEB - 4778  
Ashland, Inc.

NOTICE OF VIOLATION OF THE CLEAN AIR ACT AND

Dear Ms. Poffenberger:

On September 13, 1996, we issued to Ashland a Notice of Violation ("Notice") and a Request for Information pursuant to Section 114 of the Clean Air Act. As a result of Ashland's response to the Request for Information, EPA has determined that after June 1, 1996, nine (9) of Ashland's SuperAmerica retail outlets were selling gasoline that exceeded the applicable Reid vapor pressure ("Rvp") standard for conventional and/or reformulated gasoline. See Enclosure. This constitutes nine (9) violations of section 211 of the Clean Air Act, 42 U.S.C. § 7545, and the regulations issued thereunder 40 C.F.R. §§ 80.27 and 80.78.

Sections 211 and 205 of the Act, 42 U.S.C. §§ 7545 and 7524, authorize the Administrator of EPA to assess a civil penalty of up to \$25,000 for every day of such violation and the economic benefit or savings resulting from the violation. Section 205(c) further authorizes the Administrator to compromise or remit, with or without conditions, any such penalty. After consideration of the magnitude and the gravity of the violations, the apparent size of your business, and your history of compliance with the Fuels Regulations, we propose a civil penalty for the violations alleged in this Notice of \$91,000.

We encourage early settlement of such matters. If we cannot settle this matter promptly, we reserve the right to seek a much larger civil penalty either administratively or judicially in federal district court.

The EPA attorney designated below has been assigned to this case. All information should be sent to the case attorney. Please contact this attorney regarding the Notice of Violation.

Jocelyn L. Adair, Attorney  
U.S. Environmental Protection Agency  
Mobile Sources Enforcement Branch (2242-A)  
Air Enforcement Division  
401 M Street, S.W.  
Washington, D.C. 20460  
Phone number: (202) 564-1011

Please let me once again emphasize that while we take our obligation to enforce these requirements seriously, we will make every effort to reach an equitable settlement in this matter.

Sincerely yours,

*Bruce C. Buckheit*  
Bruce C. Buckheit, Director  
Air Enforcement Division

Enclosure

# ENCLOSURE

<u>Store Number</u>	<u>Grade</u>	<u>Date of Rvp Test</u>	<u>Rvp (psi)</u>	<u>June 1st Exceedance</u>	<u>Proposed Penalty</u>	
4421	90 CG	5/31/96	10.98	- 10.0 = .98 psi	\$ 8,000	
Duration of Violation 6/1 thru 6/6/96.						1.
4412	90 CG	5/31/96	10.56	- 10.0 = .56 psi	\$ 8,000	
Duration of Violation 6/1 thru 6/8/96.						2.
4081	93 CG	5/30/96	10.86	- 10.0 = .86 psi	\$ 8,000	
Duration of Violation 6/1 thru 6/5/96.						3.
4139	93 CG	5/28/96	13.05	- 10.0 = 3.05 psi	\$10,000	
Duration of Violation 6/1 thru 6/7/96. No S S O.						4.
4378	92 CG	5/23/96	10.79	- 10.0 = .79 psi	\$ 8,000	
[Retested]		6/06/96	10.53	- 10.0 = .53 Psi		
Duration of Violation 6/1/thru 6/9/96.						5.
4002	92 CG	5/20/96	11.59	- 10.0 = 1.59 psi	\$10,000	
		5/30/96	11.08*	- 10.0 = 1.08 psi		
		6/5/96	10.66*	- 10.0 = .66 psi		
Duration of Violation 6/1 thru 6/15/96.						6.
4396	92 CG	6/07/96	10.5	- 10.0 = .5 psi	\$ 7,000	
Duration of Violation 6/1 thru 6/12/96						7.
4042	89 CG	6/17/96	10.49	- 10.0 = .49 psi	\$ 7,000	
Duration of Violation 6/1/thru 6/20/96						8.
5686	93 RFG	5/18/96	10.02	- 8.3 = 1.72 psi	\$25,000	
		5/29/96	8.68*	- 8.3 = .38 psi		
		6/06/96	8.42*	- 8.3 = .12 psi		
Duration of Violation 6/1 thru 6/6/96.						9.

Total: \$91, 000